# TOWN OF SOUTHEAST 1360 Route 22, Brewster, New York 10509 Thursday, March 5, 2020 EXECUTIVE SESSION 6:45 P.M. WORK SESSION/REGULAR MEETING 7:00 P.M.

Pledge of Allegiance Notation of Exits Turn Off/Put on Vibrate – All Electronic Devices

#### **Executive Session:**

1. Contractual Discussion

#### **Work Session:**

- 1. Discussion 577 North Main LLC, Special Permit
- 2. Discussion Town Highway Superintendent Update 284 Agreement

#### **Regular Meeting:**

- 1. Resolution Adopting Local Law #2 of 2020, Amending Chapter 18-26 Town of Southeast Code of Ethics and Financial Disclosure Law
- Resolution Adopting Local Law #3 of 2020, Amend Chapter 103, Article II, Section 103-8 – Permits Fees
- 3. Resolution Supporting the "Emergency First Responders Privacy and Protection Act" (S.7280/A.09107)
- 4. Resolution Life Storage 1639 1641 Route 22, Bond Establishment
- 5. Motion Set Public Hearing Amend Chapters 123, 138and A143, Section 123-3 Policy, Section 123-6 Definitions, etc. (Curbing)
- 6. Motion Set Public Hearing 577 North Main Street Special Permit

Recognition of Public/Public Comment
Recognition of Town Board/Town Board Comment

#### TOWN OF SOUTHEAST PLANNING DEPARTMENT SPECIAL PERMIT REFERRAL

INTRODUCED BY: LA Perch SECONDED BY: Cyprus

**DATE:** February 24, 2020

WHEREAS, 577 NORTH MAIN STREET located at 577 North Main Street, in the Town of Southeast, has applied for a Special Permit from the Town Board of the Town of Southeast for permission to use a portion of an existing building for kennel and animal hospital uses in the ED Zoning District, on property designated as Tax Map Number 56.19-1-40.2; and,

WHEREAS, the Town Board has requested a report from the Planning Board on the said proposal; and,

WHEREAS, the Planning Board has determined that the above request for a Special Use Permit for this particular project is in conformance with Article X of Chapter 138 of the Zoning Code of the Town of Southeast; and,

WHEREAS, the Planning Board, having reviewed such application together with its consultants, finds that there will be no adverse affect to the surrounding area or the environment,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board recommends that the Town Board of the Town of Southeast grant the requested Special Permit.

### **UPON ROLL CALL VOTE:**

T. LaPerch, Chairman

D. Rush, Vice Chairman

D. Armstrong, Boardmember

E. Cyprus, Boardmember J. King, Boardmember

M. Hecht, Boardmember

L. Eckardt, Boardmember

The resolution was party

\_\_\_\_ by a vote of  $5_{\text{to}}$  to  $0_{\text{with}}$  absent.

T. LaPerch, Chairman

Southeast Planning Board

#### STATEMENT OF USE

Tenant:

Furr the Luv of Paws LLC

Operator:

Shelby Lynn Sky

Property:

577 North Main Street, Suite 102, Brewster, NY 10509

Zoning:

**Economic Development** 

Use:

Kennel

Tenant operates an existing dog obedience training facility which operates out of a residence in a home in Connecticut. While the primary function of the business dog obedience training, the operation also includes grooming and overnight stays (kennel).

As delineated on the enclosed plans; within the space there is an existing set of gang showers which will be used for dog grooming. There will be a large dog agility space which will look like the attached photos, a kennel space, facing the back parking lot, an outdoor dog run and a couple of dog play spaces. The outdoor dog run is to be enclosed with a 6' chain link fence.

# Chapter 138. Zoning

# Article X. Special Permits and Conditional Uses

§ 138-57. Kennels and animal hospitals.

[Amended 3-24-2011 by L.L. No. 4-2011]

Animal kennels and animal hospitals are subject to the following supplementary requirements:

- A. In issuing a special permit for animal kennels and animal hospitals, the Town Board shall stipulate the maximum number and type of animals to be boarded. That number shall be based on site conditions, the ability of the proposed facility to provide a safe and sanitary environment for the animals and their caretakers, and the ability to mitigate any potential noise, odor, or community character impacts.
- B. The Town Board may consider the number and size of animals to be sheltered and impose reasonable conditions to protect neighbors, aesthetic impact and animal safety in order to ensure the health, safety and general welfare of the community.
- C. No outdoor run shall be less than 100 feet from any lot line within a commercial zoning district, or 200 feet from any lot line that abuts a residential zoning district. No dogs shall be permitted in outdoor runs before 8:00 a.m. or after dark after 8:00 p.m. All dogs shall be leash walked and kept quiet while outside between the hours of 8:01 p.m. and 7:59 a.m.
- D. All kennels and animal hospitals shall comply with Chapter 96, "Noise," of the Code of the Town of Southeast.
- E. All boarding of dogs, or other customary household pets, shall be indoors. No outdoor commercial dog kennels are permitted.
- F. No animal waste or substance which produces noxious or offensive odor or dust shall be stored or permitted to accumulate within 200 feet from any lot line and 100 feet from any street, wetland, lake or stream. The animal waste storage area shall not create any offensive odors nor attract or harbor vermin, rodents, flies or other animals and shall be subject to the approval of the Planning Board. The Building Inspector or other Code Enforcement Officer shall retain the right to inspect the animal waste storage facility at any time due to improper handling or odor problems. If the Building Inspector or other Code Enforcement Officer determines that a problem does exist, he or she shall so notify the owner in writing and the owner must commence steps to rectify the situation within a timely fashion but not to exceed 30 days. If the problem is not rectified in a satisfactory manner, the Building Inspector or other Code Enforcement Officer may commence criminal proceedings against the owner or other person(s) responsible for such violation(s) and, upon a conviction thereof, such owner or other responsible person shall be liable for any and all fines and/or penalties applicable to violations of this chapter. If the situation is not rectified within 30 days from the date upon which the violation should have been rectified, the Town Board may commence any and all appropriate proceedings for revocation of the special permit. Such

#### Agreement for the Expenditure of Highway Moneys

AGREEMENT between the Town Superintendent of the Town of 5647H 648T

Putnam County, New York, and the undersigned members of the Town Board. Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

- GENERAL REPAIRS. The sum of \$180,000 shall be set aside to be expended for primary work and general repairs upon 90,4 miles of town highways, including sluices, culverts and 1. bridges having a span of less than five feet and boardwalks or renewals thereof.
- 2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:

| (a) On the road commencin distance of 39 miles, the                             | g at <u>OLD R+ 6</u> and leading to <u>START of Diria</u> ere shall be expended not over the sum of \$ <u>52,500</u> . |
|---|--|
| Type Width of traveled surface Thickness Subbase Replace Drainage True and Leve | MACADAM 23 FT  STABLE MACADAM MAPLE RD PIPES AND GATCH BASINS 21 APPLY 2" OVERLAJOF ASPHALT                            |
| (b) On the road commencing distance of <b>SO</b> miles, the                     | g at £00L124 × RD and leading to N. Brewsteen shall be expended not over the sum of \$ 53,000.                         |
| Type Width of traveled surface Thickness Subbase Trave + Lev                    | MACHOAM  20 FT  STABIC MACADAM  Let And 2" Overlay of Asphalt  |
|   | TONETTA LAKE WAY   |
| Executed in duplicate this  | day of 2   |
| Supervisor  | Councilman   |
| Councilman  | Councilman   |
| Councilman  | Councilman   |
| County Superintendent of Highways   | Town Superintendent of Highways  |

Note: This agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.

#### Agreement for the Expenditure of Highway Moneys

|  | the undersigned members of the Town Board.   |
|--|--|
| Pursuant to the provisions of Section 284 in the Town for the repair and improvem repair and improvement of highways, sh | of the Highway Law, we agree that moneys levied and collected<br>lent of highways, and received from the State for State Aid for the<br>lall be expended as follows: |
| and general repairs upon   | shall be set aside to be expended for primary work miles of town highways, including sluices, culverts and in five feet and boardwalks or renewals thereof.          |
| 2. PERMANENT IMPROVEMENTS. The permanent improvement of Tow  | e following sums shall be set aside to be expended for the n highways:   |
| (a) On the road commencin distance of miles, the   | g at <u>Brews, TER Hill</u> and leading to <u>IV Brews, TER</u> , a ere shall be expended not over the sum of \$ 55,500  |
| Type Width of traveled surface Thickness Subbase Tenetra Lake PD Pros And Ann  | STUBLE MACADAM  True + Level. Replace Drainage 2" overlay of ASPHALT   |
| (b) On the road commencing distance of 1991 miles, the   | g at <u>Nelson BIVP</u> , and leading to <u>Drewville RP</u> , a ere shall be expended not over the sum of \$ 25,000.  |
| Type Width of traveled surface Thickness Subbase   | MACADAM<br>20 FT<br>STABLE MACADAM   |
| MERRICKED. Replace Dra<br>ADD Z'I OVER   | ing Pipes True + Level and   |
| Executed in duplicate this   | day of   |
| Supervisor   | Councilman   |
| Councilman   | Councilman   |
| Councilman   | Councilman   |
| County Superintendent of Highways  | Town Superintendent of Highways  |

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#### Agreement for the Expenditure of Highway Moneys

| AGRE   | EEMENT between the Town Superint  WTNAMCounty, New York, and  | endent of the Town of<br>the undersigned member                 | of the Town Board.   |
|--------|---|---|--|
| in the | ant to the provisions of Section 284<br>Town for the repair and improvem<br>r and improvement of highways, sh | ent of highways, and rece                                       | gree that moneys levied and collected<br>lived from the State for State Aid for the<br>s:            |
| 1.     | GENERAL REPAIRS. The sum of \$_<br>and general repairs upon<br>bridges having a span of less that             | shall be set ask miles of town highwo n five feet and boardwalk | de to be expended for primary work<br>sys, including sluices, culverts and<br>s or renewals thereof. |
| 2.     | PERMANENT IMPROVEMENTS. The permanent improvement of Town   |   | et aside to be expended for the  |
|        | (a) On the road commencing distance of 580 Fee miles, the   | g at <u>Brews rez H\\</u> are shall be expended not             | over the sum of \$ 10,500.   |
|        | Туре  | MACADAM   |  |
|        |   | 22  |  |
|        | Thickness Subbase   | STABLE MALA   | 2.44   |
|        | からなる ルイ   |   |  |
|        | 2" 0  | iver LAY OF MA  | sphalt<br>(n 2019)   |
|        | (LN95 -   | True + Levelad  | in 2019)   |
|        |   | g at an   | d leading to a   |
|        | Type Width of traveled surface Thickness Subbase  |   |  |
|        |   |   |  |
| Execu  | uted in duplicate this  | day of  | , 2  |
| Super  | visor   | Councilman  |  |
| Coun   | cilman  | Councilman  |  |
| Coun   | cilman  | Councilman  |  |
| Coun   | ty Superintendent of Highways   | Town Superintendent   | of Highways  |

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# RESOLUTION ADOPTING LOCAL LAW #2 of 2020

| RESOLUTION NO.  | /2020   | DA  | TE: March 5, 2020                              |                               |
|---|---|---|--|-------------------------------|
| INTRODUCED BY:  |   | _   |  |                               |
| SECONDED BY:  |   | _   |  |                               |
| WHEREAS, Southeast for a public proposed local law w Southeast Industrial E file financial disclosur            | hich would amend C<br>Development Agency        | by said Town Board<br>hapter 18 of the Tow                            | to hear all interested<br>on Code to delete me | d parties on a embers of the  |
| WHEREAS, 18-26 relating to the I  | the IDA is no longer DA members is super        |   | language contained                             | in paragraph                  |
| WHEREAS, 2<br>Town of Southeast in<br>20, 2020 and all interes  |   | ed by law, such pub   | lic hearing was held                           | l on February                 |
| WHEREAS, promote the general w  | it is the sense of thivelfare of the public.    | s Town Board that   | the proposed local                             | law will help                 |
| NOW, THER   | EFORE, BE IT                                    |   |  |                               |
| RESOLVED,<br>of 2020 pursuant to the<br>Town Code to delete<br>(IDA) as town official<br>Southeast IDA is no le | the reference to mem<br>als required to file fi | Rule Law to amend C<br>abers of the Southeas<br>nancial disclosure st | Chapter 18, paragraph<br>et Industrial Develop | n 18-26 of the<br>ment Agency |
| RESOLVED,<br>said Local Law in the<br>and (b) give due notic<br>of New York within the                          | e of the adoption of s                          | ting and in the Code aid local law by filing                          | Book of the Town                               | of Southeast;                 |
| UPON A ROLL CA  | LL VOTE:  |   |  |                               |
| Councilman Alvarez<br>Councilman Larca<br>Councilman Lord<br>Councilman O'Connor<br>Supervisor Hay              | <del></del>                                     |   |  |                               |
| VOTE: carried / defea   | ated by a vote of                               | in favor, ag  | ainst; abstain                                 | ied.                          |

| STATE OF NEW YORK           | )  |
|-----------------------------|--|
|                             | : ss.:   |
| COUNTY OF PUTNAM            | )  |
| the above is a true and exa | CATI, Town Clerk of the Town of Southeast, do hereby certify that ct copy of a Resolution adopted by the Town Board of the Town of id board held the 5th day of March, 2020. |
|                             | MICHELE STANCATI   |
|                             | Town Clerk   |
|                             |  |



# **RESOLUTION ADOPTING LOCAL LAW #3 of 2020**

| RESOLUTION NO                                | /2020   | DATE: March 5, 2020   |
|--|---|---|
| INTRODUCED BY: _                             | · · · · · · · · · · · · · · · · · · ·             |   |
| SECONDED BY:                                 |   |   |
| Southeast for a public proposed local law wh | hearing to be held by ich would amend Cha         | een adopted by the Town Board of the Town of<br>said Town Board to hear all interested parties on a<br>apter 103-8 of the Town Code to allow for certain<br>the permit is issued; and |
| Town of Southeast in t                       | he manner prescribed                              | aring was advertised in an official newspaper of the by law, such public hearing was held on February n an opportunity to be heard at that time; and                                  |
| WHEREAS, it promote the general we           |   | Town Board that the proposed local law will help  |
| NOW, THERE                                   | EFORE, BE IT                                      |   |
| of 2020 pursuant to the                      | Municipal Home Rul<br>Code to allow for certain   | Town of Southeast hereby adopts Local Law No. 3 e Law to amend Chapter 103-8, paragraphs (C), (D) ain vendor permits to run annually on a fiscal year be it further                   |
| said Local Law in the                        | minutes of this meetir<br>of the adoption of said | e and hereby is authorized and directed to (a) entering and in the Code Book of the Town of Southeast; d local law by filing such with the Secretary of State.                        |
| UPON A ROLL CAL                              | L VOTE:   |   |
| Councilman O'Connor Supervisor Hay           |   |   |
| VOTE: carried / defeat                       | ed by a vote of                                   | in favor, against; abstained.   |

| STATE OF NEW YORK           | )  |
|-----------------------------|--|
|                             | : ss.:   |
| COUNTY OF PUTNAM            | )  |
| the above is a true and exa | CATI, Town Clerk of the Town of Southeast, do hereby certify that ct copy of a Resolution adopted by the Town Board of the Town of id board held the 5th day of March, 2020. |
|                             | MICHELE STANCATI   |
|                             | Town Clerk   |
|                             |  |



# RESOLUTION SUPPORTING THE "EMERGENCY FIRST RESPONDERS PRIVACY AND PROTECTION ACT" (S.7280/A.09107)

| RESOLUTION NO  | / 2020  | March 5, 2020   |
|--|---|---|
| INTRODUCED BY:   |   |   |
| SECONDED BY:   |   |   |
| that overhauled the discover   | y process, requiring an ex<br>transmissions, body-wor                                 | ed in the 2019-2020 NYS Budget<br>epedited timeline to provide materials<br>on and dash-cam video, along with   |
| personal identifying informa   | ation to be exclude from d  | ent personnel by allowing their iscovery document and records, but in many instances provide service at   |
| services, certified first responsible advanced emergency medicany such service should also | onders, firefighters, emer<br>al technicians, who are en<br>have their personal ident | ed life support first response<br>gency medical technicians or<br>apployed by or enrolled members of<br>tifying information protected from<br>tness tampering; now, therefore be it |
| NOW, THEREFORE, BE   | IT  |   |
|  | 7280/A.09107 the "Emerg   | members of the New York Senate gency First Responders Privacy and   |
| Senator Harckham, Assemb   | lyman Byrne, County Ex<br>ilipstown and Putnam V                                      | be forwarded to Governor Cuomo, recutive Odell, Town Supervisors of alley, as well as the Mayors of the   |
| UPON A ROLL CALL V   | OTE:  |   |
| Councilman Alvarez Councilwoman Eckardt Councilman Larca Councilman Lord Supervisor Hay    |   |   |
| VOTE: Resolution passed,   | by a vote of, to  | ,abstained.   |

| STATE OF NEW YORK               |  |
|---------------------------------|--|
|                                 | : ss.:   |
| COUNTY OF PUTNAM                | )  |
| certify that the above is a tru | E STANCATI, Town Clerk of the Town of Southeast, do hereby the and exact copy of a Resolution adopted by the Town Board of the ting of said board held the day of March, 2020. |
|                                 | MICHELE STANCATI   |
|                                 | Town Clerk   |

# <u>LIFE STORAGE – 1639 – 1641 Route 22</u> <u>BOND ESTABLISMENT</u>

R#Y

| RESOLUTION NO  | / 2020   | DATE: March 5, 2020   |  |
|--|--|---|--|
| INTRODUCED BY:   | <u> </u>   | _   |  |
| SECONDED BY:   | <del></del>  | _   |  |
| and recommendation from<br>Performance Security in the erosion and sediment                        | m the Town Engi-<br>connection with L<br>control measures: | rd of the Town of Southeast is in reineer dated February 10, 2020 with ife Storage Commercial Site Plan ("for the commercial development on No. 463-13 (the "Subject Premises") | respect to the Applicant"), for property located |
| NOW, TH  | EREFORE, BE I  | T   |  |
| RESOLVI below:   | ED, that the bond a  | amount is hereby established for the p  | project set forth                                |
| PROJECT NAME:  |  | <b>BOND AMOUNT:</b>   |  |
| Life Storage Commercial Site Plan  |  | Site Improvements:<br>Erosion/Sediment Control:   | \$195,000.00<br>\$ 21,700.00                     |
| and be it further  |  |   |  |
| Clerk to the Applicant, Pla  | anning Board Secr  | f this resolution shall be transmitted letary and Building Inspector forthwith  | -  |
| UPON A ROLL CALL   | VOTE:  |   |  |
| Councilman Alvarez<br>Councilman Larca<br>Councilman Lord<br>Councilman O'Connor<br>Supervisor Hay |  |   |  |
| VOTE: carried / defeated   | by a vote of   | in favor, against; abst   | ained.   |

| STATE OF NEW YORK             | )   |
|-------------------------------|---|
| COUNTY OF PUTNAM              | : ss.:<br>)   |
| the above is a true and exact | CATI, Town Clerk of the Town of Southeast, do hereby certify that copy of a Resolution adopted by the Town Board of the Town of id board held the 5 <sup>th</sup> day of March, 2020. |
|                               | MICHELE STANCATI Town Clerk   |